

AMENDED IN SENATE JULY 1, 1999
AMENDED IN SENATE MAY 24, 1999
AMENDED IN ASSEMBLY APRIL 21, 1999
AMENDED IN ASSEMBLY APRIL 5, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1575

Introduced by Assembly Member Machado
Machado and Steinberg
(Principal coauthor: Senator Ortiz)

February 26, 1999

An act to add ~~Section 12071.2 to the Penal Code, relating to gun shows, and declaring the~~ and repeal Section 13961.5 of the Government Code, relating to victims of crime, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1575, as amended, Machado. ~~Gun shows or events~~
Victims of crime: terrorism.

Existing law provides for the indemnification of victims of specified types of crimes for specified expenses that become necessary as a direct result of the crime. Indemnification is made under these provisions from the Restitution Fund, which is continuously appropriated to the State Board of Control for these purposes.

This bill would provide until January 1, 2005, for the indemnification, in an amount not to exceed \$100,000, of an organization or business that sustains damage to or destruction of personal or real property as a result of the crime of exploding, igniting, or attempting to explode or ignite any incendiary device or any explosive, or committing arson, in or about specified places, for the purpose of terrorizing another or in reckless disregard of terrorizing another. By providing for a new use of a continuously appropriated fund, this bill would make an appropriation.

~~Existing law includes various provisions regulating gun shows or events, including a requirement that the Attorney General issue a certificate of eligibility to any person who produces, promotes, sponsors, operates, or otherwise organizes the show or event.~~

~~In addition, this bill would prohibit the holding of a gun show or event on property owned or leased by or to the State of California, a city, county, or city and county unless the Attorney General has certified that the particular jurisdiction has sufficient resources and personnel to enforce all federal and state laws regarding firearms sales and licensure of firearms dealers. Included in this provision would be the authority to require the presence of law enforcement personnel at gun shows or events.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote: $\frac{2}{3}$. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: no.~~

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 12071.2 is added to the Penal~~
- 2 *SECTION 1. Section 13961.5 is added to the*
- 3 *Government Code, to read:*
- 4 *13961.5. (a) Notwithstanding Section 13960, "victim"*
- 5 *shall also include an organization or business that sustains*
- 6 *damage to or destruction of personal or real property as*
- 7 *a result of a violation of Section 11413 of the Penal Code.*
- 8 *(b) Notwithstanding Section 13965, the board may*
- 9 *reimburse victims as defined in subdivision (a) in an*

1 amount equal to the value of personal or real property
2 damaged or destroyed as a result of a violation of Section
3 11413 of the Penal Code that is not reimbursed by any
4 other source, in an amount not to exceed one hundred
5 thousand dollars (\$100,000).

6 (c) No other benefits described in this article shall be
7 available to victims defined in subdivision (a) unless
8 those victims also qualify for assistance under Section
9 13960.

10 (d) This section shall remain in effect only until
11 January 1, 2005, and as of that date is repealed, unless a
12 later enacted statute, that is enacted before January 1,
13 2005, deletes or extends that date.

14 SEC. 2. This act is an urgency statute necessary for
15 the immediate preservation of the public peace, health,
16 or safety within the meaning of Article IV of the
17 Constitution and shall go into immediate effect. The facts
18 constituting the necessity are:

19 In order that the needs of victims of crimes specified in
20 this act may be met at the earliest possible time, it is
21 necessary that this act take effect immediately.

22 Code, to read:

23 ~~12071.2. (a) Except as provided in subdivision (b),~~
24 ~~and notwithstanding any other provision of law, no~~
25 ~~property, facility, or building owned or leased by or to the~~
26 ~~State of California, or by or to any county, city, or city and~~
27 ~~county, shall be allowed to be used or used for a gun show~~
28 ~~or event, as defined in Section 178.100 of Title 27 of the~~
29 ~~Code of Federal Regulations or pursuant to subparagraph~~
30 ~~(B) of paragraph (1) of subdivision (b) of Section 12071.~~

31 ~~(b) Before any land, facility, or building owned or~~
32 ~~leased by or to the state, or any city, county, or city and~~
33 ~~county may be used for a gun show or event, as defined~~
34 ~~in subdivision (a), the Attorney General shall certify in~~
35 ~~writing that the State of California, the city, county, or~~
36 ~~city and county has sufficient resources and personnel to~~
37 ~~enforce all federal and state laws and local ordinances~~
38 ~~prohibiting, controlling, or regulating in any way the sale~~
39 ~~of firearms and the licensure of firearms dealers. In~~
40 ~~making this certification, the Attorney General may~~

~~1 impose specific conditions of certification, based upon the
2 facts and circumstances surrounding the proposed gun
3 show or event, including, but not limited to, the condition
4 that a specified number of law enforcement personnel be
5 present at the gun show or event.~~

~~6 (e) Upon the issuance of the certification by the
7 Attorney General pursuant to subdivision (b), a gun show
8 or event may be allowed to take place on the applicable
9 property pursuant to existing law.~~

~~10 (d) The Department of Justice shall adopt regulations,
11 as necessary, to implement this section.~~

~~12 (e) The Legislature finds and declares that this section
13 addresses a matter of statewide interest and concern
14 because numerous violations of laws regulating the sale
15 and purchase of firearms have occurred at gun shows and
16 similar events held in various jurisdictions, endangering
17 people throughout the state.~~

~~18 SEC. 2. This act is an urgency statute necessary for the
19 immediate preservation of the public peace, health, or
20 safety within the meaning of Article IV of the
21 Constitution and shall go into immediate effect. The facts
22 constituting the necessity are:~~

~~23 In order to immediately protect the people of the State
24 of California from illegal firearms sold at gun shows or
25 events, from the sales of firearms to persons prohibited by
26 law from purchasing firearms at gun shows, and from the
27 dangers posed by the insufficient enforcement of federal
28 and state laws and local ordinances controlling firearms
29 and firearm sales at gun shows, it is necessary that this act
30 take effect immediately.~~